

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DEMETRIUS BAILEY, *et al.*,

Plaintiffs,

v.

LIBRARY ASSISTANT JURNAK,
et al.,

Defendants.

No. 3:18-CV-01437

(Judge Brann)

(Magistrate Judge Mehalchick)

ORDER

SEPTEMBER 10, 2020

Plaintiff filed the instant action on July 19, 2019 and it was jointly assigned to the undersigned and to a magistrate judge. Upon designation, a magistrate judge may “conduct hearings, including evidentiary hearings, and . . . submit to a judge of the court proposed findings of fact and recommendations.”¹ Once filed, this report and recommendation is disseminated to the parties in the case who then have the opportunity to file written objections.²

On June 17, 2020, Magistrate Judge Karoline Mehalchick, to whom this matter is jointly assigned, issued a thorough report and recommendation recommending that plaintiff Demetrius Bailey’s motion for entry of judgment be denied, Defendants’ motion to strike be granted to the extent that Bailey’s motion

¹ 28 U.S.C. 636(b)(1)(B).

² 28 U.S.C. 636(b)(1).

is denied, and Plaintiff Richard Sutton's three motions seeking to be dismissed from this case and withdrawn as a party be granted.

No objections to the report and recommendation have been filed. For portions of the report and recommendation to which no objection is made, the Court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."³ Regardless of whether timely objections are made by a party, the District Court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.⁴

Because I write solely for the parties, I will not restate the facts, but will instead adopt the recitation of facts as set forth by the magistrate judge. I have conducted a de novo review here and found no error.

AND NOW, IT IS HEREBY ORDERED that:

1. Magistrate Judge Karoline Mehalchick's June 17, 2020 Report and Recommendation, Doc. 103, is **ADOPTED in full**.
2. Plaintiff Demetrius Bailey's motion for entry of judgment, Doc. 53, is **DENIED**.

³ Fed. R. Civ. P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa.2010) (*citing Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that judges should give some review to every report and recommendation)).

⁴ 28 U.S.C. § 636(b)(1); Local Rule 72.31.

3. Defendants' motion to strike, Doc. 85, is **GRANTED** to the extent that Bailey's motion for entry of judgment is denied.
4. Plaintiff Richard Sutton's motions to be dismissed as a party, Docs. 75, 91, 100, are **GRANTED**.
5. Plaintiff Richard Sutton is **DEEMED WITHDRAWN** from this action and **TERMINATED** from this action's docket.
6. This matter is referred back to Magistrate Judge Mehalchick for further proceedings.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

United States District Judge